

**REPORT
OF
THE STUDY TEAM ON INVOLVEMENT
OF
COMMUNITY DEVELOPMENT AGENCY
AND
PANCHAYATI RAJ INSTITUTIONS IN THE
IMPLEMENTATION OF BASIC LAND
REFORM MEASURES**



Government of India
Ministry of Food, Agriculture, Community
Development & Cooperation
(Department of Community Development)

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I. INTRODUCTORY

1.1. The Study Team on involvement of Community Development Agency and Panchayati Raj institutions in the implementation of basic land reform measures was constituted by the Government of India, Ministry of Food, Agriculture, Community Development & Cooperation (Department of Community Development) under the Government Resolution No. 5/1/67-PR, dated 20th December, 1967. A copy of the Resolution is at Appendix I.

1.2. The first meeting of the Team was held on January 24, 1968. The Team discussed its plan of work and also finalised a questionnaire to be sent to State Governments, Union Territories and other premier institutions interested in the subject. The State Governments and the Union Territories were also requested to circulate the questionnaire to Chairmen of Zila Parishads, Collectors of Districts and some other prominent non-officials interested in the subject, for their views. A copy of the letter addressed to the State Governments and the Union Territories is at Appendix II.

1.3. The procedure of study as adopted by the Team Discussions included, apart from issue of the Questionnaire for eliciting information, discussions with the officers of Revenue, Community Development and Panchayati Raj Departments of the State Governments as also office bearers of Panchayati Raj institutions.

1.4. The Study Team toured the States of Rajasthan, West Bengal, Mysore, Maharashtra and Jammu & Kashmir. During its tours the Team met members and office-bearers of Panchayats, Panchayat Samitis and Zila Parishads and also held discussions in each State with officers of the Departments concerned. In some States, the Team met also Ministers incharge of Revenue, Community Development & Panchayats. A list of the institutions visited by the Study Team is given at Appendix III.

1.5. The Team has not found it necessary to go into the entire history of Panchayati Raj system and the process of implementation of Land Reform measures. Section II delineates

Constitution of
Study Team

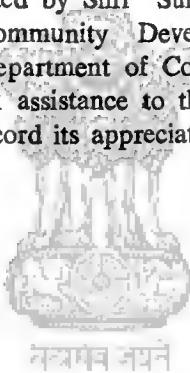
Views invited on
questionnaire

Visits to
States

the setting and the general principles that have guided the Team's deliberations and recommendations; various issues referred to in the terms of reference of the Study Team have been discussed in the subsequent Sections.

Acknow-
ledgements

1.6. The Team expresses its gratitude to all the State Governments for the willing cooperation and hospitality extended during field visits, and for the relevant information that was supplied by them. The Study Team's thanks are also due to the Panchayati Raj institutions, their office-bearers—both officials and non-officials—who gave the benefit of their views on various aspects of subject under enquiry. The information and materials received by the Study Team from the States in response to its questionnaire and in the course of its visits to the States, were analysed and collated by Shri Sunil Guha, Director in the Department of Community Development; Shri R. C. Mehra, Assistant in the Department of Community Development, has provided secretarial assistance to the Team. The Team would like to place on record its appreciation of their work.



II BACKGROUND

2.1. The desire to give a better deal to the actual tiller was one of the motive forces of the freedom movement in India. Accordingly, two basic objectives which have informed land reform measures, undertaken in the wake of Independence, are:

Basic
Objectives
of Land
Reform
Measures

- (i) to remove such motivational and other impediments to increase in agricultural production as arise from the agrarian structure and to create conditions conducive to agricultural economy with high levels of efficiency and productivity; and
- (ii) to eliminate elements of exploitation and ensure social justice within the agrarian system so as to provide a sound base for the evolution of democratic society in the rural areas.

2.2. The principal measures recommended in the Five Year Principal Measures Plans for securing the above objectives were:

- (i) abolition of intermediary tenures;
- (ii) reform of the tenancy system including
 - (a) security of tenure for the tenant;
 - (b) fixation of fair rent at one-fifth to one-fourth of the produce; and
 - (c) enabling the tenant to come in direct relationship with the States and acquiring ownership of land;
- (iii) a ceiling on land holdings; and
- (iv) consolidation of fragmented holdings and reorganisation of the small farm economy.

2.3. During the last twenty years considerable progress has been made in introducing land reform legislations and to give effect to the legislative provisions. Intermediary tenures like Zamindaris, Jagirdaris, Inams, etc., which had been superimposed on the class of traditional farmers in respect of more than 40 per cent of the area and were feudal in character, have been abolished practically all over the country. The legislation for

Land
Reforms
Legislations
in States

ensuring security of tenure, to regulate rent payable by the cultivating tenants to the landlord, and for converting tenants into owners has been enacted in most States. Similarly, legislation has also been enacted in almost all the States for imposition of ceiling on landholdings, both on the existing holdings as well as on future acquisitions. Much has also been done in recent years to build up land records including record of tenancies and in some States these are being periodically revised and brought up-to-date.

2.4. The implementation of land reform measures imposed a severe strain on the revenue agencies of the State Governments. Even by strengthening the revenue agencies, it has not been possible, in several States to adequately enforce specific provisions of tenancy and other legislations. This together with a variety of lacunae in the legislations themselves have been taken advantage of by the affected to evade certain provisions and exploit the tenants. Thus, substantial areas in several States would still appear to be cultivated through informal share crop-pers; rents payable by tenants continue to be high; ceilings on landholdings have been evaded through the device of transfer and partition of land and even where surplus lands have been acquired by the States through the ceiling legislations, adequate arrangements have not always been made for their distribution to landless labourers and tenants. For effective implementation of land reforms, it is imperative that record of tenancy should be prepared and kept up-to-date. In several States, this has not been done to the extent desired with the result that legislations relating to security of tenure and reduction of rent could not be given effect to; nor has it been possible in many States to make much headway in the work relating to consolidation of holdings. These gaps have been highlighted in the report of the Land Reforms Implementation Committee of the National Development Council appointed in November, 1963.

2.5. It is in the context of the inadequacy of the revenue machinery in different States to enforce all aspects of land reform measures that suggestions for associating Panchayati Raj institutions in the field of their implementation were first made. Second Five Year Plan document suggested that "in carrying out the various tasks, the official machinery can and should derive a great deal of assistance from the agencies of district development administration, namely, village Panchayats, development committees in Talukas and development blocks and district development councils. In particular, village Panchayats

Lacunae
in Land
Reform
Legislations

Land
Reforms
Imple-
mentation
Committee
Report,
1963

Association
of
Panchayati
Raj Insti-
tution—
Second
Five Year
Plan

have a large role in the achievement of high standards of management and efficiency and in assisting the progress of consolidation of holdings. Through their association land records can be maintained more accurately and injustices avoided. Also, they can assist materially in the settlement of disputes relating to ejectment of tenants, arrears of land rent, possession of land, restoration of tenancies and ejectment of trespassers." The main functions of the village Panchayats listed in the Second Five Year Plan in respect of land reforms and land management were:

- (i) association with the work of maintenance of land records;
- (ii) determination of land to be allotted to owners and tenants on the exercise of rights of resumption for personal cultivation;
- (iii) determination of surplus lands on the application of ceiling on agricultural holdings;
- (iv) re-distribution of surplus lands arising from the imposition of the ceilings;
- (v) leasing of lands through village Panchayats;
- (vi) collection of land revenue;
- (vii) regulation of use of common land, such as waste lands, forests, avadi sites, etc.;
- (viii) cultivation of land set apart for the benefit of the village community, as in consolidation of holdings; and
- (ix) adoption of standards of good management and cultivation to suit local conditions and their enforcement.

2.6. On the eve of formulation of the Third Five Year Plan a committee on tenancy reform of the reconstituted panel of land reforms of the Planning Commission reviewed the progress made in the implementation of the land reforms during the Second Five Year Plan period and suggested that basically the responsibility for implementation of land reform programmes should rest with the official agency. The Panchayats should, however, be associated with the task of implementation of land reforms as they acquire more experience. The committee recommended that, to begin with, Panchayats may be associated

Committee
on Tenancy
Reform,
Planning
Commission

with the tasks relating to maintenance of land records, leasing of lands in the villages, determination of fair rent on land, land management, consolidation of holdings, etc. In the main, the committee visualised the involvement of Panchayati Raj bodies in the various aspects of implementation of land reforms in the following manner:

- (i) *Land records*: During field inspections by the revenue officers, some members of village Panchayats could be associated. Any changes in possession that may be recorded should be notified to the Panchayats along with the affected parties so that the Panchayats might take suitable action wherever necessary.
- (ii) *Leasing*: All leasing in future should be through Panchayats. Any person wanting to lease his land should notify it to the Panchayats which should nominate the tenant to whom the lease should be made in accordance with such principles and rules as may be prescribed. The general body or the Gram Sabha should be assisted by Panchayats in selecting the tenants. The Panchayats should also undertake the responsibility for recovering rent from the lessee and paying it to the landlord.
- (iii) *Rents*: The Panchayats could be entrusted with the task of fixing the fair rent. In case of disputes, the parties concerned will naturally have a right of taking the matter to the appropriate revenue authorities. To facilitate the fixation of rent by Panchayats, the Government might fix the average yields of different classes of land in any local area and also notify the average prices every five years which could form the basis for the commutation of rents into cash.
- (iv) *Land management*: In the interest of efficient land management improvement works including irrigation, drainage, bunding or reclamation affecting more than one holding may be undertaken by the Panchayats and maintained, the cost being recovered from the beneficiaries.
- (v) *Consolidation of holdings*: Though consolidation of holdings involved work of technical nature, the

Gram Sabha could be associated with the formulation of schemes of consolidation of holdings such as the principles on the basis of which the land valuation will be done, the procedures to be adopted for the re-allocation of new holdings, the extent of lands to be set aside for common purposes of the village, etc.

2.7 The Study Team on the position of Gram Sabha in Panchayati Raj Movement in its report submitted in 1963 also recommended, *inter alia*, that Panchayati Raj bodies should be authorised to deal with matters relating to mutations, allotment of agricultural land, grazing land, forests and rights of the village, distribution of water for irrigation, and such other functions. Similarly, the Udaipur Seminar on 'fundamental problems of Panchayati Raj' conducted by the All India Panchayat Parishad in 1964, recommended that the Patwari or the village accountant should submit a copy of all mutation reports to Panchayat Pradhan or Sarpanch. The Panchayat should thereupon bring these reports to the notice of Gram Sabha and recommend to the appropriate authority changes if any, which might be found necessary in such reports. The State Ministers Conference on Community Development and Panchayati Raj held in 1964 generally endorsed the above suggestions.

Study Team
on Gram
Sabha,
1963—
Recommendations

2.8. Despite all these suggestions the involvement of Panchayati Raj bodies in matters relating to implementation of land reforms continues to be insignificant. It is stated that in some States the Panchayati Raj bodies are in their infancy and must gain more experience before they can be entrusted with the responsibility for maintenance of records or implementation of land reforms. On the other hand, the States which actually transferred responsibility to the Panchayati Raj institutions as in Maharashtra and Gujarat, and others, the experience in regard to the performance of these bodies has been rather encouraging. Implementation of land reforms involve, apart from administrative action, legal and judicial aspects which the Panchayats are not always adequately equipped or competent to handle. While addressing the Conference of State Ministers for Community Development and Panchayati Raj held in New Delhi in October, 1966, the then Union Minister for Food, Agriculture, Community Development and Cooperation referred to the possibility of involving the Community Development agency and village Panchayats in particular in the effective implementation of land reform measures. He observed:

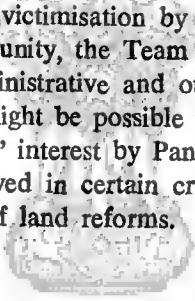
Conference
of State
Ministers
for C.D. &
P.R.,
New Delhi,
1966

"I should like you to consider another area of responsibility, which I personally feel the Community Development agency is eminently fitted to fulfil. That is, in regard to the implementation of certain basic land reform measures like accurate maintenance of record of rights, detection and reparation of *mala fide* transfers of land and the like and organisation of the rural tenantry into informed and articulate interest-groups. Various reports of the United Nations have clearly underscored the possible role of Community Development in implementing land reform measures. Indeed, the Second Five Year Plan document clearly visualised this role for the Community Development agency and the village Panchayats. For various reasons, however, this was not given the attention due. At least now, when we are attempting to resuscitate the movement, I should like this aspect not to be neglected again."

2.9 The present Study Team was appointed following this suggestion. In formulating their views in regard to the involvement of Community Development and Panchayati Raj institutions in implementation of land reform measures and on the feasibility and desirability of organising the rural tenantry into informed and articulate interest-groups, the Study Team had kept in view the following basic principles:—

- (i) The three-tier Panchayati Raj system, first introduced in 1959, now covers all the States in the country excepting Nagaland, Jammu & Kashmir, Kerala, Madhya Pradesh and some districts of Bihar. Panchayati Raj has institutionalised Community Development Programme and given permanence and stability to the Programme. The Study Team have assumed that the system has come to stay and will gain strength and responsibility in the coming years.
- (ii) In States like Maharashtra, Gujarat, Madras, etc. where Panchayati Raj institutions have been vested with considerable authority and financial support, they have given a better account of themselves. Keeping this experience in view there has to be a genuine transfer of power and responsibility to Panchayati Raj institutions in other States.

- (iii) The patterns of Panchayati Raj designed by different States have a semblance to the model put forward by the Mehta Study Team. However, a closer study reveals numerous nuances. The greatest diversity is found in the constitution, powers and functions at the two higher tiers, namely, at the district and block levels. The Study Team have not gone into the merits or otherwise of the system obtaining in different States but have attempted to explore how best these institutions which have intimate contact with the rural masses can be effectively involved in the implementation of land reform measures.
- (iv) In examining the feasibility and desirability of organising the rural tenantry into articulate interest-groups as a measure of safeguard against their exploitation and victimisation by vested interests in the village community, the Team have gone into all the relevant administrative and other considerations including what might be possible to achieve to safeguard the tenants' interest by Panchayati Raj bodies if they are involved in certain crucial spheres of implementation of land reforms.



नेत्रामृत निधन

III. ROLE OF PANCHAYATI RAJ INSTITUTIONS AND COMMUNITY DEVELOPMENT AGENCY IN MAINTENANCE OF LAND RECORDS

3.1. The Study Team was required, under its terms of reference, to examine (a) how far and in what manner the Panchayati Raj institutions or Community Development agency could contribute towards the accurate maintenance of records of rights and detections and reparations of *mala fide* transfer of land and the like; and (b) whether the responsibility to be given to the Panchayati Raj institutions or the Community Development agency in this matter should be purely of advisory nature or whether any statutory functions in land reforms could be passed on to these agencies and if so, what functions should be so entrusted to them.

3.2 In the course of its visit to the various States, the Study Team had an opportunity to review the existing arrangement in regard to maintenance of land records and the manner and extent to which Panchayati Raj institutions and Community Development agency are at present involved in this matter. The Study Team also discussed these questions with both officials and non-officials. Since maintenance of an adequate and up-to-date land records is a *sine-qua-non* for effective enforcement of land reform measures, this Section deals with the observations and recommendations of the Study Team regarding the role of Panchayati Raj institutions and Community Development agency in maintenance of land records. Other related aspects of land reform in which the Panchayati Raj institutions and Community Development agency can play a useful role are dealt with in the next Section.

Varying practices

3.3 Land records are maintained by the States showing, generally, the owner of the land, the classification of the land, the nature of the tenancy, rents payable, etc. Whenever there is a change in any one of the above-mentioned classified items, the record is corrected. The procedure of incorporating the changes in the record, which is usually detailed in the rules and instructions regarding mutations, varies somewhat from State to State and sometime from one part of the State to another.

3.4. Where there are village officers, they get the intimation either from the party concerned or from other sources about a change in ownership or title on account of inheritance, gift, sale, mortgage etc; and the village accountant or patwari enters the change on a register of mutations which is attested by an officer according to competent jurisdiction in the procedure prescribed. In the process, due notice is given in a prominent place of a village, such as the village Chavadi, and objections are invited. Thereafter, the village officer makes an enquiry and prepares a report for the Tehsildar who is usually the competent authority to effect the mutation in the record.

3.5. In Gujarat, Jammu and Kashmir, Madhya Pradesh, Maharashtra, Punjab, Haryana, Rajasthan, Uttar Pradesh, Mysore and Union Territories of Delhi and Himachal Pradesh, the record of rights including records of tenancy are maintained up-to-date through annual revision by the revenue agency.

3.6. The Study Team, in the course of its tours in the various States sought to obtain the views of non-officials as to whether the above procedure of effecting mutations in the land records was adequate to safeguard the interest of weaker and less vocal sections. The prevailing impression of the Study Team, emerging out of these discussions, was that the village Accountant or village officer, being an influential person, often tended to neglect the interest of the weaker sections and that entrustment of this work to Panchayats would help to avoid manipulations relating to land records and ensure fair play and justice.

3.7. While reviewing the existing arrangements for maintenance of land records obtaining in different States the Study Team had an opportunity to discuss the question of involvement of Panchayati Raj institutions in this work with the concerned officials. Their view was that village records had to be maintained primarily by village officers although the association of Panchayati Raj bodies in the preparation of annual revision of records may be helpful in pointing out inaccuracies and omissions to revenue officers.

3.8. A very interesting experiment was conducted in Maharashtra where the entire land rent is paid to the Panchayati Raj institutions. It was felt that the Panchayat by itself may not have sufficient organisation or staff to either maintain or correct revenue land records. In Maharashtra, the lowest village officer, namely *Talathi* was placed under the control of Panchayat Samiti. In fact, they created a single cadre of *Talathis, Gram*

Notices in
public
places

Maharashtra
experiment.

Sevaks and *Panchayat Secretaries* and entrusted it with development, revenue collection and record maintenance work, besides the work of *Panchayat Secretary*. This arrangement obtained in 1963. In 1965, however, the Maharashtra Government felt that the experiment did not prove successful, the main reason being that both Block Development Officers and revenue officers exercised control over *Talathis* while the *Talathis* did not feel responsible to either. Apparently by interposing the *Panchayat Samiti*, the link between the *Talathis* and revenue, particularly, general administration, was severed. In 1965, the State Government took away *Talathis* from the jurisdiction of the *Panchayat Samiti* and restored them exclusively to the revenue department. In Maharashtra, therefore, Panchayats are not associated in the work of maintenance of land records.

Rajasthan—
Power
given to
Sarpanches

3.9. In Rajasthan the village officer enters the mutation in the register and the undisputed mutations are attested by the Sarpanch. It was only in disputed cases that the matter goes to higher authority, namely, Tehsildar. Even in cases approved by Panchayat, appeal always lies with the appropriate authority, namely, Tehsildar, Sub-Divisional Officer and Collector etc. In certain official quarters it was felt that if the Panchayat did not meet or Sarpanch did not dispose of the matter there would be delay in disposal. However, arrangements can be made that if the Panchayat does not give their order within a particular period, the revenue machinery will move and correction of records made. In certain official circles there was a feeling that not much useful contribution was made by Panchayats; whereas non-officials and certain others felt that such association of Panchayats in regard to attestation of mutations gave the people a feeling of well-being and created confidence in popular institutions.

Mysore
practice

3.10. In Mysore, State records were well maintained in ex-Bombay area and ex-Mysore area where there were village officers. The general feeling was that there was no need to associate the village Panchayats for maintenance of land records.

Panchayats
suitable for
advisory
role

3.11. Most of the officials with whom the Team discussed this matter felt that there was no objection in putting the village Panchayat in a place corresponding to "public". Instead of publishing them elsewhere, when objections are called for from the public, they may be published in the village Panchayat office and suggestions of the Panchayat invited. When the mutations are finally attested, the result of the mutation so attested may also be communicated to Panchayats. The local villagers will learn from the Panchayat the result of the case. This procedure will foster self-reliance in the Panchayats.

3.12. Except in Rajasthan, the other States which the Study Team visited were not in favour of associating the Panchayats with this work. Most of them felt that the Panchayats' role should be of an advisory nature. The Panchayats will be the vehicle for bringing up the information from the people to the authorities and pass on information from the appropriate authorities to the people. They may not by themselves be able to maintain the land records as there is no specialised staff attached to them. The maintenance of land records requires revenue training and knowledge of revenue law of the area and such training the Panchayat personnel may not have. It would be impossible to separate maintenance of land records from the village officer. The Maharashtra experiment shows that it is not desirable to have the lowest village officer completely under the Panchayat or Panchayat Samitis.

No expertise in Panchayats

3.13. There is the feeling that the village officer may not correct the records in accordance with the requirements and the Panchayat can come into the picture when it has to be corrected and the Panchayat, equipped with the requisite information can form the bridge between the Government organisation and the public. Between Government and the public, the role of the Panchayats as the disseminator and procurer of information will be of immense advantage, but it was felt that no statutory responsibilities should be devolved on the Panchayats in their present state of development.

Panchayats - a bridge between Government and people

3.14. In most of the States a list of mutations is published in village Chavadi for inviting objections. It was felt that the village Chavadi may be substituted or be in addition to the Panchayat office preferably latter. Publishing of notice in village Chavadi, as an important place in a village is not enough to help the villagers. The Panchayat is gradually becoming a public information centre and their publication in the Panchayat forum may be useful.

Publication of notices in Panchayat offices

3.15. The Study Team would also like to recommend that in States where annual revision of records is made there may be a suitable provision, (a) for furnishing a copy of the annual records as verified by the Circle Inspector to the village Panchayat within a specified period from the beginning of agricultural year and also copy of each mutation; and (b) for enabling any member of the Panchayat or the Community Development officials to communicate to the Tehsildar, within a specified time limit, any suggestion for modification. The Study Team is of the view that

Association of Panchayats in annual revision of land records

such provisions, if made statutory, might be misused by Panchayats. In its view, these should be in the form of executive instructions.

3.16. As a source of information, and to elicit opinion when objections in regard to attestation of mutation are invited and for the purposes of publicising the mutations after attestation, the usefulness of the role of Panchayats does not need to be emphasised. While associating Panchayats due consideration to the suggestions made by them should be given. At the same time, adequate care should be taken where there are factions in the Panchayats and in such cases the Revenue authority should deal with the case in its discretion.

**No village
Revenue
Administra-
tion in
certain
States**

(P) 3.17. States like West Bengal, Bihar and Orissa which had long been under old Permanent Settlement revenue system, do not have adequate Revenue Administration at the village level, as also the Panchayats have neither the training nor experience in revenue matters. Thus in the absence of basic Revenue Administration and experienced staff with the Panchayats to correct or maintain the record of rights, it would be impossible to expect the Panchayats to provide assistance in the maintenance of land records in such cases. As the Panchayats are not trained in revenue matters, the feeling was that the Panchayati Raj bodies need not be vested with any regulatory or statutory functions. They can, however, be of immense assistance to the District Officer or Sub-divisional Officer or Tehsildar, who will continue to be held responsible for maintenance of land records. It was, however, felt by the Study Team that where there was no village administration it could not be substituted by Panchayats. The Revenue Administration is based on various codes etc. The lowest revenue authority has to apply various revenue laws for day-to-day affairs, covering cases of maintenance of the yearly statement of record of rights and record of plots e.g. who owns the plot, the person who cultivates it and what is the result of the cultivation. The Panchayats are not properly equipped for this type of work. The Study Team is of the view that it will be urgently necessary in States like West Bengal, Bihar and Orissa to set up village level revenue administration on the pattern of Rayotwari States. Unless this is done expeditiously the changes that occur in the record of rights and the manner in which various interests in land are affected from year to year cannot be reflected in any record. In West Bengal, for instance, although a settlement department is maintained at a great expense to the public exchequer, the finally published settlement

records become already 5 or 6 years old by the time they come out in print. Settlement operations have also been conducted in Orissa and record of rights duly published but after the publication of record of rights the machinery for maintenance of such records has not been able to cope with the considerable amount of work that has fallen on them. Besides, both in West Bengal and Orissa, there is no maintenance of registers like the *Pahania* and *Giridhawar* registers showing the annual change in the tenancy and the cultivation. The position in Bihar is substantially similar.

3.18. The Study Team had an occasion to consult, during its visit to West Bengal, the Darjeeling Zila Parishad who have separate rules for maintenance of records of hill tribes. The present arrangement by which such transfers are made by the Deputy Commissioner seems to be satisfactory. The local people did not feel that the Panchayat or Panchayat Samiti would be able to contribute more to the maintenance of such transfers or maintenance of records. In fact, the feeling is that the tribal and weaker sections are properly protected in the hands of the authorities. The Panchayat or Panchayat Samiti may not necessarily afford greater protection to the tribals. However, since there is no basic village administration, the Panchayat can hardly be a substitute to maintain proper records. In those areas where there is no basic land revenue administration, the Study Team is of the view that in such areas it is primarily necessary to set up such administration in the first place so that changes in holdings and attestation of mutations are brought on record. Once the records come into being and the institution of the village officials is created in the revenue administration, the question of inducting the Panchayats for purposes of association in the matter of maintenance of land records will be a natural corollary.

Hill
tribes—
protection
of interests

Basic
Revenue
Administra-
tion first;
Panchayats
later

IV. ASSOCIATION OF PANCHAYATI RAJ INSTITUTIONS AND COMMUNITY DEVELOPMENT AGENCY WITH THE IMPLEMENTATION OF OTHER ASPECTS OF LAND REFORMS

4.1. In this Section we deal with the scope and possibilities of associating Panchayati Raj institutions and the Community Development agency with the implementation of land reforms. Besides conferment of proprietary rights and giving security of tenure to the tiller, the other aspects in regard to which Panchayati Raj institutions can be considered for association in the implementation of land reforms, include, among others, also Regulation of Tenancies, Landlord's right of resumption, regulation of rent, disposal of surplus land arising out of imposition of ceilings on land holdings and prevention of *benami* transfer of land to evade ceiling legislation, consolidation of holdings and incentives and motivation for the management and standard of cultivation.

4.2. The Study Team felt that while maintenance of an adequate and up-to-date land records was basic to any effective land reforms programme, in the context of the new strategy of intensive agriculture, the various land reforms seeking to bring about the necessary social change, assume special significance. In this connection, the Study Team considered whether the Panchayati Raj institutions and the Community Development agency could be vested with specific responsibilities and whether such responsibilities should be provided statutorily enabling them to discharge these functions. As in the maintenance of land records, the Team felt that in the implementation of various land reforms also, vesting the Panchayati Raj bodies with any statutory authority would not be advisable at their present level of development. In regard to the implementation of land reforms, it is through executive instructions of the Government or the Board of Revenue as the case may be, that matters could be entrusted to the Panchayati Raj institutions. The C.D. agency, not being trained in revenue matters, will not involve itself directly in the implementation of land reforms, but it will continue to take special interest to ensure that the small holders and cultivating tenants are given priority in development and social welfare programmes.

4.3. In the course of the Study Team's deliberations some members expressed the view that in all matters where Panchayati Raj institutions were sought to be associated with the maintenance of land records, implementation of land reforms and protection of the interests of the weaker sections, can be looked after by a watch-dog functional sub-committee instead of by the entire Panchayat. They suggested that the composition of such a functional sub-committee could be laid down by the Government and an officer of the Revenue Department could be represented on this sub-committee. One of the members was, however, of the firm view that arising from the Study Team's terms of reference and their formulations in regard to the association of Panchayati Raj institutions with the maintenance of land records, implementation of land reforms, safeguarding the interests of rural tenantry, it was but logical that the functional sub-committee, which is chiefly constituted to protect the interests of the weaker sections, should be saddled with the responsibility of looking after such of the items as impinge on the interests of the weaker sections, and all other matters of common interests to the Panchayat as a whole should be the concern of the Panchayat body. It was neither feasible nor was it likely that the Panchayat as such would accept that its own sub-committee, constituted primarily of one section of the people, should represent the body in all matters where the interests of all of them were involved.

4.4. Each and every admission or surrender may be intimated to the Panchayat under executive instructions. As it involves the rights of weaker sections, this will fall within the sphere of the functional sub-committee of the Panchayat.

4.5. In a number of States the landlord's right to resume land from tenants on ground of requirement for personal cultivation by the landlord is restricted by law and special procedure and special agency (Land Tribunal) specified. The Study Team considered whether the Panchayati Raj institutions can, in any manner, be associated in this matter. They felt that it would not be appropriate to involve either the Panchayat or its committee into problems requiring adjudication on technical issues.

4.6. In all the States, statutory provisions have been made for regulation of rent. In some of them the procedure for determination of fair rent and the special agency (Land Tribunals) has been specified. The Study Team felt that it would not be appropriate to entrust such procedural matters to the Panchayati Raj institutions.

4.7. Where the maximum rent is a multiple of land revenue, the functional sub-committee on Land Reforms of the Panchayat should be required to fix a chart in a prominent place indicating the maximum rent payable for the main categories of land in the village in accordance with the law.

**Ceiling on
land
holdings**

4.8. The Study Team is of the view that in the determination and location of surplus lands arising out of imposition of Ceilings legislation the functional sub-committee of the Panchayat on Land Reforms should be consulted and their recommendations generally accepted.

4.9. The sub-committee should also be enabled to intimate to the Tehsildar or any other appropriate authority, any information regarding *benami* transaction or other evasion of the Ceiling laws.

4.10. The sub-committee on Land Reforms should also be actively associated with allotment of surplus land. The Sub-Committee should be required to maintain a list of applicants of landless agricultural labourers and other eligible persons for assignment of land.

4.11. Allotment of fallow and other lands vested in the Government should also be made on the recommendations of the Sub-Committee on Land Reforms of Panchayat.

**Consolidation of
holdings**

4.12. The Study Team is of the view that the Sub-committee on Land Reforms of Panchayat should be associated with consolidation of holdings.

**Efficient
manage-
ment and
standard of
cultivation**

4.13. The Study Team is of the view that efficient management and observance of standard of cultivation by each cultivator should be the concern of the whole Panchayat. This aspect can be looked after by the Agricultural Committee of Panchayat which is already provided for in various States.

V. ORGANISATION OF RURAL TENANCY

5.1. One of the terms of reference of the Study Team relates to the possibility and desirability of organising administratively the rural tenantry into informed and articulate interest-groups so as to safeguard the tenants against exploitation and victimisation by vested interests. In this context, the Study Team is also required to examine what type of formal organisation is to be established for this purpose and how this organisation of rural tenantry will fit into or detract from the idea of Panchayati Raj.

Safeguards
against
victimisa-
tion and
exploitation
by vested
interests

5.2. The need for organising the rural tenantry arises in view of the widespread feeling that owing to the absence of up-to-date records of tenants in some areas, ignorance on the part of tenants of the legislative provisions regarding security of tenure, loopholes and shortcomings in the tenancy legislation, inadequate enforcement and ineffective or inadequate representation of weaker sections of the community on the Panchayati Raj institutions, large scale exploitation and victimisation of tenants by vested interest-groups have taken place.

Inadequa-
cies in
Land
Reform
Legisla-
tions

5.3. Such exploitation and victimisation generally takes forms of several forms: the extensive resumption and changes of tenants even after the enforcement of tenancy legislations—resumption on grounds of personal cultivation resulting in countless cases of ejections and also 'voluntary surrenders'—forced in fact but voluntary to outward view; continuation of high cash and share rents often beyond the paying capacity of the cultivating tenants, resulting in arrears of payment and surrender of tenancy; refusal by landlords to issue receipts for payment of rent and ejections on ground of non-payment of rent taking advantage of the situation; and *benami* transfer of surplus and to evade ceiling legislation.

5.4. The Study Team visited several States to acquaint itself on the spot, as to how tenancy legislation had been enforced to confer security of tenure to the tenants and whether, and to what extent, if any, there was any encroachments on rights of tenants. The Team also collected information relating to this item from the other State Governments which were not visited by the Team. The Team's experience is that in several States the existing provisions are quite adequate to ensure that the rights of the tenants

were not encroached upon and suitable machinery exists for educating the rural tenantry of the rights conferred on them through tenancy reforms. In quite a few States, most of the tenants have become owners so that there is hardly any scope for exploitation. In some States, the rural tenantry are already well-informed and aware of their rights.

Safeguards provided in law

5.5. Legal safeguards of declaring all tenancies non-resumable, except in case of persons suffering from disability, have been provided in Uttar Pradesh, Delhi and in respect of tenants and bargadars in West Bengal. In Rajasthan, all tenancies upto a specified extent of land depending upon the class of land have been declared non-resumable. In Gujarat, Kerala, Jammu and Kashmir, Madhya Pradesh, Maharashtra, Mysore, Orissa, Himachal Pradesh and Tripura a provision had been made for permitting resumption subject to certain safeguards. The period within which such resumption could be exercised in these States has, however, expired. Special tribunals have been set up for considering applications for resumption and to an appreciable extent, these applications have been disposed of. On the other hand, in Kerala, regard being had to the disturbing effect of resumption and the administrative difficulty of dealing with large numbers of applications expeditiously, the proceedings for resumption under the Kerala Land Reforms Act, 1963 have been suspended by the Kerala Stay of Eviction Proceedings Act, 1967. In Assam (adhiairs), Haryana, Punjab, Madras, West Bengal (bargadars) and in the Union Territory of Himachal Pradesh (territories transferred from Punjab) the right of resumption is a continuing right. In Manipur and Goa, the right will become effective only after survey and settlement operations are completed.

Against eviction

5.6. Provisions have also been made in certain States for regulating 'voluntary surrenders'. In Gujarat, Kerala, Maharashtra, Madhya Pradesh, Rajasthan, Manipur, Tripura, Mahe and Karaikal provisions were made for verification of surrender by revenue authorities. In Bihar, a tenant evicted except by the process of law is entitled to restoration. In Kerala and Mahe, steps have been taken to prohibit the landowner to take possession of the surrendered or abandoned land, the Government being empowered to settle tenants thereon. The law in Kerala and Mahe also provides for penalty for wrongful eviction.

5.7. Closely connected with the problem of security of tenure is the regulation of rent payable by the cultivating tenant to the landlord. Efforts to confer a measure of security of tenure become meaningless if the rent remains arbitrary and beyond the

paying capacity of the cultivating tenant. In such cases the tenant gets into arrear for payment of rent and is obliged to surrender tenancy on demand by the landholder. Legislation for regulation of rent has been enacted in practically all States. In Assam, Bihar, Gujarat, Kerala, Maharashtra, Mysore, Orissa, Rajasthan, Telengana area of Andhra Pradesh and Union Territories of Delhi, Himachal Pradesh, Manipur, Tripura, Goa, in Mahe and Karaikal regions of Pondicherry and in Dadra and Nagar Haveli the maximum rent has been fixed at one-fourth of the produce or less. In Gujarat, Maharashtra, Rajasthan, Delhi, Goa and Dadra and Nagar Haveli it is even less, one-sixth of the produce.

Against
high inci-
dence of
rent

5.8. It has been observed that in some areas, landlords do not issue receipts for payment of rent and later, whenever they want to evict a tenant, file suit for ejectment on ground of non-payment of rent. The land owner is liable to a penalty for failure to issue such receipts.

5.9. In pursuance of the goal of 'land to the tiller' it had been recommended in the Third Plan that steps should be taken to complete the programme for conferring rights of ownership on the tenants. It has generally been observed that so long as the direct landlord-tenant relationship subsists, provision for security of tenure and regulation of rent are not effective in practice. Legislation has been enacted in several States to bring tenants into direct contact with the State. The implementation of the programme of legislation has been completed in Uttar Pradesh and Delhi and it is in advanced stage of implementation in Gujarat and Maharashtra. Considerable progress has also been made in Madhya Pradesh, Mysore, Rajasthan, West Bengal and Himachal Pradesh. During the Study Team's visit to the State, the Team was told that in most parts of Maharashtra ryatwari system was in vogue and the cultivators were occupants of the land held by them, the problem of tenancy, being limited to certain percentage of land mostly leased annually; similarly, in Mysore, over 75 per cent of the cultivators were owner cultivators and, therefore, the question of exploitation of tenants did not arise. In West Bengal, ownership, security of tenure and benefits under Land Laws have been practically transferred to the actual tillers. Even names of share croppers are recorded in the records of rights and they are now entitled to protection against arbitrary eviction by land-owners under the West Bengal Land Reform Act, 1955. The Study Team was, however, told that in a number of cases the Bargadars did not or could not avail of this protection.

Machinery
for edu-
cating rural
tenancy in
States

5.10. The Team has been informed that in most States an adequate machinery or arrangement exists for educating rural tenantry of the rights that have been conferred on them through tenancy legislations. For instance, in Maharashtra, pamphlets explaining the salient features of the land reform measures taken by the Government and the benefits conferred on tenants, small holders, landless persons, etc. are brought out in English and regional languages and copies supplied to village Panchayats, public libraries and social workers etc. Revenue officials also hold meetings of villagers to explain to them the implications of the land reform measures. In West Bengal, all laws, rules, circulars etc. relating to land reform measures are usually publicised through the usual information channels. In Orissa, the important provisions of the Land Reform Legislations have been given wide publicity through issue of pamphlets. Besides, Oriya versions of Acts and Rules are distributed to Gram Panchayats. In Assam, the State Directorate of Information and Publicity gives necessary publicity of land reform measures. In Uttar Pradesh, the Information and Revenue Departments give wide publicity to the benefits and rights conferred on tenants through land reform measures and the Panchayats also educate the tenants. Most States visited by the Study Team, were of the view that greater involvement of Panchayati Raj institutions' in publicity of land reform measures would go a long way in educating tenants especially in those areas where they were still ignorant.

Certain
misgivings

5.11. The suggestion for administratively organising the rural tenantry into some form of more informed and articulate interest-groups raises a few basic issues. Among the various views expressed before the Team, it was stated that if rural tenantry are organised into interest groups, it is likely to increase factions in villages; it might also prove hostile to the existing machinery which is maintaining land records. Further, in States where the Panchayats themselves are an articulate group and representative of various sections of the rural community, the need for a separate organisation of the rural tenantry to focus attention on their grievances will not be felt. Misgivings were expressed in many quarters regarding the desirability of administratively organising the rural tenantry into articulate interests groups; it was apprehended that this would needlessly expose the administration to avoidable conflicts with political parties and other peasantry organisations which are already in the field and are trying to muster support amongst the rural tenantry in various ways.

5.12. The suggestion for organising the rural tenantry into articulate interest groups is often based on the Japanese experience. For many years before land reform was brought about in Japan, the Japanese tenants recognised their unreasonable and intolerable position. In the 1920s tenant-farmers began increasingly to demand better tenancy conditions. As it was to their advantage to join together against landlords, tenant-farmers' unions numbering about 4,000 and comprising some 3,50,000 farmers came into existence. It will, however, bear mention that these unions remained, more or less, informal groups and were never given corporate status under law.

Japanese
experience

5.13. Indeed, in the Indian context the desirability and feasibility of articulating the rural tenantry, as a district interest-group, into some form of a formal organisation cannot be viewed in isolation from what is possible to achieve to safeguard the interests of tenants through involvement of people's representative bodies at the grass-root level in implementation of land reform measures. In the preceding section, we have already observed that although it would not be advisable to entrust any statutory function—quasi-judicial, regulatory and executive to Panchavati Rai institutions in the matter of implementation of land reforms, they can, nevertheless, assist and facilitate the maintenance of land records, expose injustice and foul play and evolve norms for the lease of land by providing factual and adequate information in regard to the position obtaining in the field. Panchavati Rai institutions may also do a great deal, as indeed they are already doing in several States, in generally promoting a wider understanding of the existing problems of tenants and their causes and in educating the rural tenantry in the rights and benefits bestowed on them through various tenancy legislations. To the extent Panchavati Rai institutions are able to provide effective assistance to the Revenue and Information Departments of the States in all these matters, the need for a separate and formal platform or forum for articulating the tenants' interest would not seem to arise.

Separate
adminis-
trative
organi-
sations
apart from
P.R.
bodies not
desirable

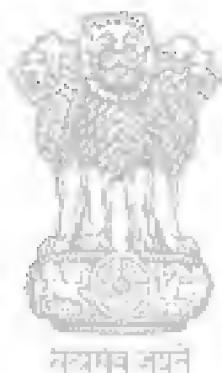
5.14. The Study Team considers it unnecessary to organise the tenants into formal articulate groups through administrative action. It is, however, of the view that in many areas Panchavati Rai bodies today are dominated by landed interests, interests of moneylenders, higher castes etc. Thus constituted, these bodies cannot be expected to safeguard the interests of the rural tenantry comprising mainly the weaker sections of the community. Before therefore, the Panchayati Raj institutions are entrusted

or
necessary

Attention
to
Weaker
Sections

with even advisory functions in the matter of implementation of land reforms, effective and adequate representation of weaker sections of the community on these bodies has to be ensured.

5.15. The Study Team is also of the view that one of the basic problems that has to be attended to relates to educating the tenants, more especially those belonging to weaker sections, of the rights that have devolved on them consequent on the implementation of the various land reform measures. Arrangements and machinery for this purpose already exist in several States. These are to be made in States where no such arrangement at present exists and strengthened where arrangements are not considered effective or adequate.



**SUMMARY
OF
RECOMMENDATIONS AND SUGGESTIONS**



SUMMARY OF RECOMMENDATIONS AND SUGGESTIONS

Sl. No.	Paragraph No. in the Text.	Summary
III.—Role of Panchayati Raj Institutions and Community Development Agency in Maintenance of Land Records.		
1	3·11	Panchayats can be associated with the work relating to attestation of mutations etc. in an advisory capacity. A notice inviting objections to the proposed mutations may be published at the village Panchayat office, and the suggestions of the Panchayat invited. When the mutations are attested, the result of the mutations so attested may also be communicated to Panchayats.
2	3·12	Panchayats can serve as medium to pass information from authorities to the people and vice-versa. The Panchayats cannot maintain Land Records, as this process requires training and knowledge of revenue laws, and the Panchayat personnel do not have such know-how.]
3	3·13	To ensure that the records are corrected by the village officers (Patwaris) in accordance with the requirements, Panchayats with their intimate contact with people can play a useful role. Between Government and the public, the role of Panchayat as a disseminator and procurer of information will be of immense advantage; however no statutory responsibilities may be devolved on Panchayats in their present stage of development.
4	3·14	The list of proposed mutations, besides being published at village Chavadi, may also be published at Panchayat office and objections invited. Panchayat is gradually becoming a public information centre and their publication in a Panchayat forum may be useful.
5	3·15	Panchayats may be associated with the annual revision of revenue records. For this purpose <ul style="list-style-type: none"> (i) A provision may be made for furnishing a copy of the annual record as verified by circle inspector to village Panchayat as also the copy of each of the mutations within a specified period from the commencement of agricultural year. (ii) A provision may be made enabling any member of Panchayat to communicate to Tehsildar, within a specified time limit, any suggestion for modification in regard to the entries made in the records. The above provisions may not be statutory, but may be made by issue of executive instructions, by the State Governments.
6	3·16	The Panchayats can serve as an important source of general information and to elicit public opinion in matters relating to attestation of mutations on lands. The Revenue authorities should give due consideration to the suggestions made by Panchayats in this regard. Where Panchayats are faction ridden, the revenue authority should deal with the cases in its own discretion.

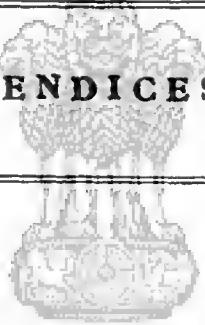
Sl. No.	Paragraph No. in the Text	Summary
7	3.17	<p>Some States like Bihar, Orissa and West Bengal which had long been under permanent settlement, do not have adequate Revenue Administration at village level. In these areas Panchayats too do not have experience or training in revenue matters and cannot, therefore, be entrusted with regulatory or statutory functions in regard to Land Records. The Panchayats in these States can, however, be of immense assistance as an informative agency to Tehsildars or S.D.Os. who continue to maintain Land Records.</p>
		<p>It is urgently necessary in States like West Bengal, Bihar and Orissa to set up villages level revenue administration on the pattern of Rayotwari States. Unless this is done expeditiously the changes that occur in Record of Rights and the manner in which various interests in land are affected from year to year, cannot get reflected in the Records.</p>
	3.18	<p>In Hill areas of West Bengal where there is no basic revenue administration, transfers in Land are effected by the Deputy Commissioner. The people generally expressed their satisfaction with the existing arrangements. However, in areas where there is no basic revenue administration the Panchayat can hardly be a substitute to maintain records. The prime need of these areas is to set up basic revenue administration first; once such administration is set up the association of Panchayats with revenue administration will be a natural corollary.</p>
		<p>IV.—Association of Panchayati Raj Institutions and Community Development Agency with the implementation of Land Reforms.</p>
	4.2	<p>While it will be useful to associate Panchayati Raj bodies with the implementation of various land reform measures, such association need not be statutory. The Government may provide for their association through issue of executive instructions.</p>
10	4.3	<p>With a view to ensuring purposeful association of Panchayats in implementation of Land Reform measures, a watch-dog functional sub-committee on Land Reform may be formed. This sub-committee will look after such items of land reforms which impinge on the interests of weaker sections. The composition of such committee could be laid down by the Government and an officer of Revenue Department could be represented on this Committee.</p>
		<p>All other general matters of common interest connected with the maintenance of land records or implementation of specific aspects of land reforms should be the concern of the whole Panchayat body.</p>
11	4.4	<p>Each and every admission or surrender of tenancy may be intimated to Panchayat under executive instructions. As this matter involves the rights of weaker sections of community, this will fall within the sphere of the functional sub-committee of Panchayat.</p>
12	4.5 4.6 & 4.7	<p>It would not be appropriate to involve either the Panchayat or its committee into problems requiring adjudication on technical issues, such as the Landlords' right of resumption, regulation of rent etc. Where maximum rent is a multiple of land revenue, the functional sub-committee on Land Reforms of Panchayat should be required to fix a chart in a prominent place indicating the maximum rent payable for main categories of land in the village, in accordance with law.</p>

Sl. No.	Paragraph No. in the Text	Summary
13	4·8	In determination and location of Surplus lands arising out of imposition of ceilings legislation, the functional sub-committee of the Panchayat on Land Reforms should be consulted, and its recommendations generally accepted.
14	4·9	The functional sub-committee of Panchayat may be enabled to intimate to the Tehsildar or other appropriate authority, any information regarding <i>benami</i> transaction or other evasion of ceiling laws.
15	4·10	The sub-committee on Land Reforms should be associated with the allotment of surplus land. The sub-committee may also maintain a list of applicants of landless agricultural labourers and other eligible persons for assignment of land.
16	4·11	Allotment of fallow and other lands vested in the Government should also be made on the recommendations of the sub-committee on Land Reforms of Panchayat.
17	4·12	Sub-committee on Land Reforms of Panchayats should be associated with the work relating to consolidation of holdings.
18	4·13	Efficient farm management and observance of standard of cultivation by each cultivator should be the concern of whole Panchayat.

VI.—*Organisation of Rural Tenantry*

- 19 5·11 If rural tenantry are organised into interest groups, it is likely to increase factions in villages; it might also prove hostile to the existing machinery which is maintaining Land Records. Further in States where Panchayats are themselves an articulate group and representative of various sections of village community the organisation of rural tenantry is unnecessary.
- If rural tenantry are administratively organised into articulate interest groups it would needlessly expose the administration to avoidable conflicts with political parties and other peasant organisations which are trying to muster support amongst the rural tenantry in various ways.
- 20 5·13 In Indian conditions, the question of organisation of rural tenantry into informed and articulate interest groups has to be viewed in the context of what is possible to achieve through Panchayati Raj institutions. These institutions, being popularly elected are in fact quite helpful in many States, in promoting a wider understanding of the existing problems of tenants. The need for setting up a separate platform or forum for articulating tenants interests, parallel to Panchayati Raj bodies is not considered necessary.
- 21 5·14 It is unnecessary to organise the tenants into formal and articulate groups through administrative action. However, before entrusting even advisory functions in the matter of implementation of Land Reforms to Panchayati Raj institutions, effective and adequate representation of weaker sections of the community on these bodies has to be ensured.
- 22 5·15 One of the basic problems that deserves immediate attention relates to educating the tenants, more specially those belonging to weaker sections of rights that have devolved on them consequent on implementation of Land Reform measures. Arrangements and machinery for this purpose already exist in several States. These arrangements have to be strengthened and made effective.

APPENDICES



नवामी अय्यने

APPENDIX I

No. 5/1/67-PR

GOVERNMENT OF INDIA
**MINISTRY OF FOOD, AGRICULTURE,
 COMMUNITY DEVELOPMENT & COOPERATION**
 (Department of Community Development)

New Delhi, the 20th December, 1967.

RESOLUTION

The question of effective involvement of Community Development Agency in the implementation of basic land reform measures has been under the consideration of the Government of India for sometime past. It is now proposed to undertake a detailed study of the role of the Panchayati Raj institutions and the Community Development Agencies in the basic land reform measures. Allied to this is the question of organisation of rural tenantry, who are the most effected during the process of implementation of various land reform measures, into an informed and articulate group. Accordingly, the Government of India have decided to set up a Committee to go into this question and make detailed recommendations on the subject.

2. The composition of the Study Team will be as under:—

(i) Shri V. Ranganathan, Member, Board of Revenue, Orissa.	Chairman
*(ii) Shri G. V. K. Rao, Development Commissioner, Commissioner for Agri., Production & Special Secretary to the Government of Mysore, Planning and Social Welfare Department.	Member
(iii) Shri M. D. Rajpal, Secretary, Home Department, Government of Gujarat, Ahmedabad.	Member
(iv) Shri A. K. Dutt, Secretary, Panchayats Department, Government of West Bengal, Calcutta.	Member
**(v) Shri G. Thirumal, Director, Rural Development, Madras.	Member
†(vi) Shri Saran Singh, Joint Secretary, Ministry of Food, Agriculture, Community Development & Cooperation, (Department of Agriculture) Krishi Bhavan, New Delhi.	Member
(vii) Dr. N. A. Agha, Joint Secretary, Department of Community Development	Member-Secretary

*Joined the Team on August 8, 1968 vice Shri P. S. Bapna, Chairman, Madhya Pradesh State Industries Corporation, Bhopal, who resigned from the membership of the Team on March 20, 1968—*vide* Government Resolution No. 5/1/67-PR, dated August 8, 1968.

**Joined the Team vice Shri V. Nataranian formerly Director, Rural Development, Madras, who has since retired from service—*vide* Government Resolution No. 5/1/67-PR, dated 25th November, 1968.

†Joined the Team on March 23, 1968 *vide* Government Resolution No. 5/1/67-PR, dated March 23, 1968.

3. Terms of the Study Team will be as follows :—

(a) How far and in what manner the Panchayati Raj institutions or Community Development Agency can contribute towards the accurate maintenance of rights and detections and reparation of *mala fide* transfer of land and the like ?

(b) Will the responsibility to be given to the Panchayati Raj institutions or the Community Development Agency be of purely advisory nature or whether any statutory functions in land reforms can be passed on to these agencies and if so what functions should be entrusted to them?

(c) Is it possible and also desirable to administratively organise the rural tenantry, who are likely to be victimised as a result of land reform measures by vested interests, into informed and articulate interest groups ?

(d) If it is advised that rural tenantry groups can and shall be formed into informed and articulate interest-groups, what will be the type of organisation and how will it fit into or detract from the idea of Panchayati Rai?

*4. The Team should submit its report within six months.

5. The headquarters of the Team shall be New Delhi. The Team may undertake tours as and when necessary and may also meet such persons as may have expert knowledge on the subject.

Sd/- (I.D.N. SAHID)

No. 5/1/67-PR

Additional Secretary.

ORDER: Ordered that a copy of the Resolution be communicated to all concerned.

ORDER: Ordered also that a Resolution be published in the Gazette of India for general information.

Sd/- (I.D.N. SAHID)

Additional Secretary.

*Extended upto December 20, 1968 *vide* Government Resolution No. 5/1/67-PR, dated June 20, 1968.

APPENDIX II

Copy of the letter No. 1/1/68-PR&LRC, dated January 29, 1968, from Dr. N. A. Agha, Joint Secretary to the Government of India, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Community Development), New Delhi addressed to the Chief Secretaries of All State Governments/Union Territories.

A Study Team has been appointed by the Department of Community Development in the Ministry of Food, Agriculture, Community Development & Co-operation to consider the involvement of Panchayati Raj Institutions and Community Development Agency in basic land reform measures. The terms of reference of this Study Team are as follows:

- (a) How far and in what manner the Panchayati Raj Institutions or Community Development Agency can contribute towards the accurate maintenance of record of rights and detections and reparation of *mala fide* transfer of land and the like?
- (b) Will the responsibility to be given to the Panchayati Raj institutions or the Community Development Agency be of purely advisory nature or whether any statutory functions in land reforms can be passed on to these agencies and if so, what functions should be entrusted to them?
- (c) Is it possible and also desirable to administratively organise the rural tenantry, who are likely to be victimized as a result of land reform measures by vested interests, into informed and articulate interest-groups?
- (d) If it is advised that rural tenantry groups can and shall be formed into informed and articulate interest-groups, what will be the type of organisation and how will it fit into or detract from the idea of Panchayati Raj?

2. In order to facilitate their deliberations the Study Team have evolved a questionnaire, copies of which are enclosed. It is requested that replies of the Revenue and Community Development & Panchayati Raj Department of the States/Union Territories, to the questionnaire may be furnished to the undersigned by the middle of February 1968.

3. In addition, the Study Team would be interested in the views of

- (a) 2 or 3 selected Chairman of Zilla Parishads;
- (b) 2 or 3 selected Collectors or Deputy Commissioners;
- (c) 2 or 3 selected District Development Officers/Chief Executive Officers of Panchayats; and
- (d) any other officials or non-officials that the State Governments/Union Territories feel are qualified to express views on the subject,

to whom copies the questionnaire may be circulated by you, with a request that they should send their replies directly to the undersigned early. It may be clarified that these replies would be treated as confidential, and, in so far as officials are concerned, as reflecting their personal views only.

4. The work of the Study Team will be facilitated if you kindly nominate an officer, preferably the Development Commissioner/Secretary, Rural Development, to function as State's/Union Territory's Liaison Officer for the Study Team and to whom all future correspondence could be addressed.

5. The Study Team has to submit its report by June, 1968; it will be greatly appreciated, therefore, if expeditious action as indicated in the preceding paragraphs is taken.

6. This letter may kindly be acknowledged.

ANNEXURE

QUESTIONNAIRE

SECTION I—Maintenance of Land Records

1. Please indicate whether Zilla Parishad/Panchayat Samiti/ Panchayats or the CD Agency, or any other agency active in the rural area, has been associated in any manner with work relating to :

- (i) maintenance of land records;
- (ii) determination of land to be allotted to owners and tenants on the exercise of the rights of resumption or personal cultivation;
- (iii) leasing of land;
- (iv) collection of land revenue;
- (v) regulation of use of common lands, such as, waste lands, forests, etc.
- (vi) transfer of rights in land.

2. If so, please give:

- (i) details thereof and experience gained therefrom;
- (ii) your views and assessment thereon;

3. If not, please indicate the reasons for not associating these agencies?

4. Please indicate the existing provisions relating to transfer of land. Do you consider these provisions adequate to prevent *mala fide* transfers and if not, your suggestions thereon. Do you consider that the Panchayat agency could play a useful role in this regard, and if so, please indicate your views?

SECTION II—Land Reforms

5. What are the measures taken so far in your State towards the implementation of land reforms?

6. In particular, please detail the progress of the implementation of the land reforms in your State with reference to:

- (i) the abolition of intermediaries;
- (ii) determination of land to be allotted to owners and tenants on the exercise of the rights of resumption or personal cultivation;
- (iii) the tenancy reforms in relation to:
 - (a) fixation of fair rent;
 - (b) security of tenure; and
 - (c) transfer of ownership to tenants.
- (iv) Preparation of land records including the record of tenancy;
- (v) the ceiling on agricultural holdings;
- (vi) consolidation of holdings;
- (vii) distribution of Government waste lands.

7. Please indicate whether the Zilla Parishad/Panchayat Samiti/Panchayat or CD agency or any other agency active in the rural area has been associated in any manner with the implementation of any aspect of land reforms particularly in relation to:

- (i) reconstruction of land records;
- (ii) determination of land to be allotted to the owner on the exercise of his rights of resumption and the land to be left with the tenant;
- (iii) determination of surplus land on the application of ceiling on agricultural holdings;
- (iv) redistribution of surplus land arising from the imposition of ceiling;
- (v) consolidation of holdings.

8. If so, please give:

- (a) details thereof and experience gained there from; and
- (b) your views and assessment thereon.

9. If not, whether it is desirable that Panchayati Raj bodies be associated with the implementation of land reform measures; which of these in your view could be implemented through the Panchayati Raj agency?

10. Should the Panchayat agency be given:

- (a) functions of an advisory nature, or
- (b) statutory functions; such as, quasi-judicial, regulatory and executive?

Please give reasons.

SECTION III—General

11. Are the existing statutory provisions adequate to ensure that the rights of rural tenantry are not encroached upon by vested interests?

12. Does your State have the necessary machinery to educate the rural tenantry of the rights that have accrued to them consequent to the implementation of land reform measures and to enable them to avail of benefits accruing to them therefrom?

13. If not, what are your suggestions to set up such a machinery?

14. Do the existing provisions in this regard need to be strengthened by organising the rural tenantry into informed and articulate interest groups?

15. Whether any such groups now exist?

16. Briefly indicate whether it would be possible and also desirable to administratively organise the rural tenantry into such groups?

17. If so, what type of organisation would be most suited for the purpose and how would it fit into or detract from the idea of Panchayati Raj?

18. Please indicate any other relevant information regarding involvement of Panchayati Raj institutions/CD Agency/other Agencies in the implementation of land reform measures not covered above.

APPENDIX III

List of Institutions/Bodies visited by the Study Team

State	Period of visit	Institutions/Bodies visited
Rajasthan	1st and 2nd March, 1968	(i) Panchayat Samiti, Sanganer (ii) Panchayat Samiti, Bassi (iii) Zilla Parishad, Jaipur (iv) Officers of the Revenue, C. D. and Panchayati Raj Department.
West Bengal	22nd to 27th April, 1968.	(i) Meeting with Deputy Commissioner, Additional Deputy Commissioner, Darjeeling ; Settlement Officer, North Bengal ; S.D.O. Siliguri ; and officials of Land Revenue Department. (ii) Meeting with Anchal Panchayat Members local, revenue officials and representatives of Local tenantry in Naxalbari. (iii) Meeting with Members of Darjeeling Zilla Parishad and other Panchayat representatives of Hill areas at Darjeeling. (iv) Meeting with Chief Secretary ; Member, Board of Revenue; Agriculture & C. D. Commissioner ; Secretary, Panchayats Department; Director of Land Records and Surveys.
Mysore	22nd to 24th July 1968.	(i) Officers of Revenue, C. D. Panchayats and Development Departments. (ii) Jakkur Village Panchayat-Bangalore, North Taluka Yelakkhana. (iii) Taluka Development Board, Bangalore, North Taluka Yelakkhana. (iv) District Development Council, Bangalore. (v) State Ministers for Revenue Agriculture and Development.
Maharashtra	18th to 21st August, 1968.	(i) Gram Panchayat, Padgah, District Thana. (ii) Panchayat Samiti, Bhiwandi. (iii) Zilla Parishad, Thana. (iv) Officers of Revenue and Rural Development Department of the State Government.
Jammu & Kashmir	5th to 7th October, 1968.	(i) Village Panchayat, Sagam. (ii) Officers of the Revenue, C. D. and Panchayats Department of State Government. (iii) State Minister of Community Development and Agriculture.

APPENDIX IV

Views expressed by the State Governments on primary issues referred to the Study Team

I. Role of Panchayati Raj institutions/Community Development Agency towards accurate maintenance of land records

- Assam Panchayats do not have adequate machinery to discharge responsibilities in regard to maintenance of land records. The Panchayat agency can keep watch on transfers of land; but in the process it will have to look into legal rights of land holders; this function Panchayat is not equipped to perform.
- Gujarat The Panchayat Officials have not got the necessary intricate knowledge of Revenue laws and rules made thereunder. It is not desirable to entrust this work to Panchayats.
- Haryana Panchayati Raj institutions are not associated in any manner with the work relating to maintenance of land records. Panchayats are elected bodies and are often faction ridden. If these institutions are associated with the work relating to maintenance of land records, there may be undue intervention in the records, and possibility of alterations in the records.
- Maharashtra Panchayati Raj institutions have not generally been associated with the maintenance of land records, as these matters involve interpretation of laws or rules and raise questions relating to individual rights and liabilities. Panchayati Raj bodies cannot adequately deal with these inquiries of quasi-judicial nature.
- Mysore Panchayati Raj institutions have not been associated in any manner with matters relating to maintenance of land records. The existing provisions relating to the transfer of agricultural lands are contained in the Mysore Land Reforms Act, 1961. Any cases of *malafide* transfer of land can be brought to the notice of Tribunal or prescribed authority by Panchayat. The Village Panchayats are generally in touch with the men and the matters within the Panchayat and as such they could play a useful role in this regard.
- Orissa Maintenance of land records requires the knowledge of revenue laws, orders etc. The Panchayati Raj institutions particularly Gram Panchayats are not sufficiently equipped with suitable staff to handle the problems that will arise, in case they are associated effectively with this work.
- Rajasthan Sarpanch or Panch is associated at the time of Girdawri. The undisputed mutations are sanctioned by Panchayats. The Panchayati Raj institutions are still in their formative stage and have met with varying degree of success. The State Government do not consider it desirable to assign maintenance of land records to Panchayats at this stage.

Uttar Pradesh

- (a) There is a Bhumi Prabandhak Samiti which is a sub-committee of Gaon Panchayats. The Pradhan of Bhumi Prabandhak Samiti is associated with the maintenance of land records.
- (b) In cases relating to mutations, either on the basis of succession or on the basis of transfer, a copy of the proclamation is served on Pradhan of village Panchayat also. The Pradhan is thus given an opportunity to file objections in cases in which the interest of Gaon Sabha is likely to be affected.
- (c) Gaon Sabha is served with a copy of proclamation in each case of mutation either based on succession or on transfer. Bhumi Prabandhak Samiti is thus provided with an opportunity to object in any case, in which transfer of land is against the provisions of law.

West Bengal

At present Panchayati Raj institutions/Community Development Agency are not associated with the maintenance of land records in the State. At present Land and Land Revenue Departments of the State Government maintain Land Records; a view expressed was that, it should be possible to entrust this job to the representative body of the village viz. the village Panchayat provided qualified surveyors and draftsmen are attached to each such village organisation. The advantage of entrusting maintenance of land records to village Panchayat would be that records will be maintained up-to-date. With the entrustment of this function to Panchayats, the Land Revenue Department will not become superfluous. This Department will provide necessary guidance to Panchayati Raj bodies. In other words Land Records instead of being a centralised matter will be decentralised.

II. Role of Panchayati Raj institutions in other Land Reform Measures—whether their role should be advisory or supervisory or statutory?

Assam

Implementation of Land reforms measures require trained personnel with sufficient experience of Revenue Administration; as Panchayat is not well equipped with adequate staff, it is doubtful if Panchayat can play a useful role in this direction. However, a pilot project can be taken up, as an experimental measure.

Gujarat

The work of land reforms is mostly of judicial nature and requires detailed knowledge of law, experience of legal matters, knowledge of revenue matters etc. This work may not be entrusted to Panchayats at this stage.

Haryana

No statutory, regulatory or executive functions be assigned to Panchayats for implementing land reform measures. There is no need for delegating even advisory function to Panchayats.

Maharashtra

It is not desirable or advisable to entrust implementation of work of land reforms or any part thereof to village Panchayats as these institutions are not equipped to deal with points of law knowledge of which would be essential pre-requisite. Moreover, these institutions being non-official bodies, will not be amenable to Government supervision and guidance.

- Mysore Implementation of Land reforms measures cannot be done through the Panchayati Raj Agency as the Panchayats are not in a position to attend to such statutory functions. They can at best act as advisory bodies; quasi-judicial or statutory functions may not be entrusted to them.
- Orissa Panchayat Agency is not developed enough to shoulder any responsibility of revenue administration. It can, however, be associated in an advisory capacity in allotment of waste lands for agriculture and homestead purposes.
- Rajasthan Panchayati Raj bodies may not be associated with the implementation of land reform measures at this stage. The entrustment of any advisory or supervisory functions to Panchayats is not favoured.
- Uttar Pradesh The members and office-bearers of Panchayats are easily susceptible to pressures, and may act contrary to the interests of Gaon Sabhas. They may, therefore, be given only functions of advisory nature till they gain more experience.
- West Bengal Implementation of land reforms measures should be left to the care of Government agencies existing at different levels. The Panchayati Raj bodies have their political affiliations which are bound to cast their reflection, if these functions are also assigned to them.

III. Is it possible and desirable to administratively organise the rural tenantry into an informed and articulate interest-group ?

- Assam There does not exist any separate administrative machinery for the organization of rural tenantry into interest group. Formation of such administrative organization is not desirable. The State Directorate of information and publicity gives necessary publicity of Land Reform measures. This Department can further be strengthened. Panchayati Raj institutions can also help Public Relations Department in giving publicity of Land Reform Legislation.
- Haryana The organization of rural tenantry, administratively into informed and articulate interest-group is not desirable. Already no such groups exist in the State. Tenants are kept well informed of Land Reform measures through Press, Publicity and by Directorate of Public Relations.
- Maharashtra In most of the parts of the State, Rayotwari system was in vogue. Mostly therefore cultivators are now occupants of land, the problem of tenancy being limited to a small area; it is not considered desirable to administratively organize rural tenantry into interest groups.
- Mysore It is not desirable to organize rural tenantry into interest groups as this will increase factions in the village.
- Orissa It is not possible or desirable to organize rural tenantry into separate interest groups. The important provisions of the Land Reforms Legislations are already given wide publicity through pamphlets and Oriya version of the act.

Rajasthan	The organization of rural tenantry, administratively into articulate interest-group is not necessary. At present no such groups exist in the State.
Uttar Pradesh	Gaon Panchayats are by themselves articulate groups. There is no need of organization of other groups.
West Bengal	
(i) C.D. Deptt.	Non-official organizations of rural tenants, such as Kisan Sabhas exist in some areas. Non-official organizations rather than Government Agencies may help rural tenantry. If these organizations work on desirable lines, their growth may be fostered by Government.
(ii) Panchayats Deptt.	It is neither possible nor desirable to organize the rural tenantry as a means of protecting them against the machinations of vested interests, because this would lead to the creation of an organization hostile to the one entrusted with the duty of maintenance of Land Records.

